

**MINUTES  
COLUMBUS BOARD OF ZONING APPEALS  
JULY 24, 2007  
COUNCIL CHAMBERS, 2<sup>nd</sup> FLOOR, CITY HALL  
123 WASHINGTON STREET  
COLUMBUS, INDIANA**

**Members Present:** Mary Ferdon Chairperson; Karen Dugan, Secretary; Patricia Zeigler, Lou Marr and Dave Bonnell

**Staff Present:** Jeff Bergman, Planning Director; Laura Thayer, Assistant Planning Director; Alan Whitted, Deputy City Attorney; and Brian Thompson and Stephanie Carr, Code Enforcement

Mary Ferdon, opened the meeting with a brief explanation about the Board and its responsibilities.

Proof of advertising for all cases was confirmed. The petitions and staff comments are a permanent record at the Planning Department.

Alan Whitted, Deputy City Attorney, administered the oath to all in attendance that would be speaking.

**OLD BUSINESS REQUIRING BOARD ACTION**

**PUBLIC HEARING: C/UV-07-02 BETHESDA HOUSE**

**Bethesda House is a request by Mike Harris for a use variance to operate an addictive behavior recovery home in an RB (Restricted Buffer) district. The property is located at 423-425 Lafayette Avenue in the City of Columbus.**

Ms. Ferdon began the meeting by reading the background and asked that only new material is presented to the board.

Mr. Vrana and Mr. and Ms. Harris stated their names and addresses for the address.

Mr. Verana presented the staff with an affidavit of true and accurate measurements of the rooms at 423/425 Lafayette Avenue measured by Milo E. Smith.

Brian Thompson submitted a letter stating that the Building Code limits the maximum number of occupants in the Group R-4 to one occupant per 200 square fee of space, and that the maximum number of occupants permitted to reside in this facility would be 11.

Mr. Vrana stated that the only other house that was they had looked at was at 11<sup>th</sup> and Lafayette and it was a 5 bedroom house but it had been made into a 5 apartment house with no common area, and it would not meet their needs for this sort of facility.

There was a brief discussion among staff

Ms. Ferdon opened the meeting to the public but asked that only people who had not spoke before or anyone with new information could speak.

Ms. Ferdon read a letter from the Town and Garden Apartments at 428 Pearl Street, Columbus, Indiana, and the following people were opposed to the variance: Nettie McCullough, Catherine Imel, Elmer and Opal Seeley, David Pearson, Linda Harden, Jamie Haas, Max Wineinger, Jo Vorhes.

Carl Miller, 4381 Wembley Lane Columbus, Indiana was opposed to the variance.

Rhonda Pierce, 2229 Keystone Place, Columbus, Indiana was opposed

John Picket 621 5<sup>th</sup> street spoke against the petition.

Mark Teike, pastor of St. Peters Lutheran Church spoke in favor of the petition.

Tony Cox of Bloomington submitted a letter that was read by Ms. Ferdon and was in favor of the petition.

The public hearing was closed to the public.

Mr. Vrana asked that the Board consider that all criteria had been met and asked that they grant their petition for the variance.

He stated that if you don't feel that the criteria has not been met you need to consider the Fair Housing Act and Americans with Disabilities Act and whether this would be a reasonable accommodation.

Lou Marr made a motion to deny **C/UV-07-02** Bethesda House based on the following findings:

1. The area in which the proposed Bethesda House is to be located is characterized by a mixture of land uses (institutional, residential, and commercial) in an urban setting. Both on and off-street parking is limited in the area. Also, adjacent residential properties are characterized by comparatively small lots, small setbacks, and a relatively dense urban setting. The addition of Bethesda House staff and visitor vehicles to this setting, at the number of residents proposed, either 11 or 16, will compromise both the safety of motorists and pedestrians and the general welfare of the neighborhood as a whole. This criterion has not been met.
2. A majority of the properties immediately adjacent to the proposed Bethesda House use are single-family residences. These residences are legal nonconforming uses in the RB zoning district, which permits a variety of office and institutional facilities. The intensity

of use of the proposed Bethesda House is characterized by its proposed number of residents and the 24 hours per day / 7 days per week nature of the facility. These characteristics distinguish this proposed facility from both the existing uses and those uses permitted in the RB zoning district. The overall intensity of the proposed Bethesda House will affect all area uses, but primarily the adjacent residences, in a substantially adverse manner. This criterion has not been met.

3. The proposed location of the Bethesda House use is a property of consistent size, dimension, and accessibility of others also zoned RB in the vicinity. It displays no unique physical characteristics. This criterion has not been met.

4. The property is currently used as a legal nonconforming multi-family residence, and could continue in that use, as well as an office use and other uses permitted in the RB zoning district. This criterion has not been met.

5. The Comprehensive Plan, both in its Goals & Policies Element and Downtown Plan Element, calls for the revitalization and preservation of near-downtown neighborhoods. The area in which the proposed Bethesda House is to be located is designated as “residential” on the future land use plan and is considered one of the residential neighborhoods that the Plan seeks to protect and enhance. This criterion has not been met.

The proposed Bethesda House use is located in a zoning district that permits day care centers, educational institutions, special schools, vocational schools, music and art studios, business offices, medical and dental clinics, museums, libraries, community centers, convention centers, assembly halls, and other similar facilities. The intensity of use of the proposed Bethesda House is characterized by its proposed number of residents, 11 or 16, and the 24 hours per day / 7 days per week nature of the facility. These characteristics distinguish this proposed facility from both the existing uses and those uses permitted in the RB zoning district. The applicants have not presented any information that demonstrates the need for this use, at this intensity to be located at this specific property. Further, the applicants have not demonstrated why the same individuals could not be adequately served in group homes in residential zoning districts consistent with the provisions of the Columbus Zoning Ordinance. Therefore, the request does constitute a fundamental and unreasonable change from the provisions of the Columbus Zoning Ordinance, for which no justification has been provided.

Karen Dugan seconded the motion, the motion passed 4-1 with Dave Bonnell opposed to the motion.

## **FINDINGS OF FACT**

There were no findings of fact presented to the Board for consideration.

**APPROVAL OF MINUTES**

Upon the motion made by Lou Marr and seconded by Dave Bonnell the minutes of the June 26, 2007 meeting were approved.

**DISCUSSION**

There being no further business the meeting was adjourned.

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Mary Ferdon, Chair

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Karen Dugan, secretary